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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 JOHN BURTON,

10 Plaintiff,

11 vs.

12 CRYSTAL BENSON, et al.,

13 Defendants.
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NO. CV-06-0273-JLQ

PROTECTIVE ORDER

15 **BEFORE THE COURT** is Defendants Holmes and Cooper's Motion for
16 Protective Order (Ct. Rec. 151). After filing of the motion and subsequently the
17 proposed protective order, the court gave all parties until June 30, 2008 to file any
18 objections (see Ct. Rec.158). There being no objections filed and for the reasons set forth
19 below, Defendants' Motion for Protective Order (**Ct. Rec. 151**) is **GRANTED** and this
20 Protective Order is entered concerning production of the documents listed below in
21 response to Plaintiff's discovery request.

22 In general the documents that are the subject of defendants' motion pertain to
23 requests made by Defendant and former Washington State Department of Corrections
24 employee Crystal Benson under the Family and Medical Leave Act (FMLA). The
25 records are part of Ms. Benson's Employment Occupational Health Records (EOHR)
26 maintained by The Department of Corrections, her former employer. Ms. Benson is pro
27 se in this matter. The court considered the motion and attachments and conducted an in
28 camera review of the documents in question including:

1. Document #01880003-01880005 - Family Medical Leave Request

2. Document #01880006-01880007 - Classification Questionnaire for an employee other than Crystal Benson and not related to Crystal Benson or the case in any way. A misfiled document.

3. Document #01880009-01880014; 01880017-01880021 - Records and documents related to medical certifications, recertifications or medical history created for purposes of Family Medical Leave Act.

Based on the review of all of these materials the court finds that in this instance the information sought by Plaintiff, including the records listed that pertain to Ms. Benson could be relevant or lead to discoverable information relevant to the claims made in this case. In addition, the court finds good cause exists to protect Ms. Benson's privacy interest in the information to be disclosed, which is akin to a medical record.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Within **5 working days** of the date this order is entered, counsel for defendants Cooper and Benson shall provide plaintiff's counsel with one copy of each of the following documents after deletion of any Social Security numbers:

a. Document #01880003-01880005 - Family Medical Leave Request

b. Document #01880009-01880014; 01880017-01880021 - Records and documents related to medical certifications, recertifications or medical history created for purposes of Family Medical Leave Act.

2. The documents produced in accordance with this order shall remain private and shall be maintained as confidential, and the documents produced and/or information contained in documents produced shall not be copied or disseminated and/or otherwise disclosed to any person or entity outside the law offices of the attorneys representing the parties.

3. Documents and/or information contained in documents may be disclosed by the attorneys to witnesses to the extent necessary to properly represent the interests of the party the attorneys represent, PROVIDED, each witness provided with information contained in documents covered by this stipulation and protective order shall be advised

1 that the privacy provisions of this protective order which apply to witnesses, and that any
2 witness who discloses documents or information in violation of this Order will be subject
3 to a show cause order concerning contempt of court and that they may be subject to
4 monetary and/or criminal penalties.

5 4. At the conclusion of this litigation, all copies of the documents produced in
6 accordance with this order shall be returned to counsel for defendants Holmes and
7 Cooper.

8 **IT IS SO ORDERED.** The Clerk of this court shall enter this Order and forward
9 copies to counsel and mail a copy to Defendant Benson.

10 **DATED** this 3rd day of July 2008.

11 s/ Justin L. Quackenbush
12 JUSTIN L. QUACKENBUSH
13 SENIOR UNITED STATES DISTRICT JUDGE
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